

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERYL MARIE of the Lynch family, et al.,

Plaintiffs,

CASE NO. 1:16-CV-282

v.

HON. ROBERT J. JONKER

BRET WITKOWSKI,

Defendant.

_____ /

ORDER OF DISMISSAL

By Order dated March 21, 2016, this Court directed Plaintiffs to show cause why this matter should not be dismissed for lack of subject matter jurisdiction. Plaintiffs have filed multiple items since entry of that Order, including a timely Response to the Show Cause Order. Nothing Plaintiffs have filed, however, establishes a basis for subject matter jurisdiction in this Court. Accordingly, the case is dismissed without prejudice for lack of jurisdiction.

Plaintiffs continue to insist that their primary jurisdictional basis is "diversity," though they appear to rely on something they call "constitutional diversity," rather than on Section 1332 itself. There is no basis for federal diversity jurisdiction. Plaintiffs and defendant (in both his individual and official capacity) are citizens of Michigan. To the extent Plaintiffs attempt to invoke something like federal question jurisdiction, they focus more on the Articles of Confederation, or other "Organic Laws of the United States," rather than the Constitution or a federal statute. In any event, to the extent Plaintiffs have even tried to frame a genuine federal question, they have failed to raise a substantial federal question that supports federal jurisdiction under *Grable & Sons Metal Products*,

Inc. v. Darue Eng'g & Mfg., 545 U.S. 308 (2005). This is still nothing more than two Michigan citizens attempting to block the Berrien County Treasurer from collecting delinquent property taxes.

Accordingly, this action is **DISMISSED** for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated: April 5, 2016

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE